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Legal Issues in the Struggle against Terror

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Puntland, which is largely self-governing and (by Somali standards) governed, but which also hosts the vast majority of pirate operations, could be a key either to combating piracy or to being held accountable for not doing so. However, either way, the international community needs to extend tacit recognition to Puntland's *capabilities*, if not its sovereignty, in order to harness any sense of responsibility to that international community.

The bigger challenge to the United States and to its navy may come from the appearance of a power vacuum that continued Somali pirate success offers. Many nations have joined the counter-piracy coalition off the Horn of Africa, but as Murphy points out, not all forces are equally effective, except perhaps in demonstrating their nations' right to be there. As long ago as 1809 the Royal Navy, operating with armed ships of the Honourable East India Company, engaged pirates who were operating in the Strait of Hormuz with the benign neglect of local rulers along the littoral. After protracted combat, culminating in the battle of Ras al-Khaimah, that left the waters relatively safe, the Royal Navy remained as the international guarantor of the safety of trade, and Britain enjoyed a century of military, political, and economic preeminence. Britain would not be the last to seek to do so.

Somalia, the New Barbary? thus takes the reader beyond the breakers, which may be all of Somalia that most analysts of the current maritime scene have examined, and returns us to essential questions on the water. It is an experience every reader with an interest in matters that impel naval operations ought to embrace.

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(The views expressed here are purely the author's and do not necessarily reflect the position of the U.S. Navy or of the Office of Naval Intelligence.)



Moore, John Norton, and Robert F. Turner, eds.
Legal Issues in the Struggle against Terror. Durham, N.C.: Carolina Academic, 2010. 565pp. \$70

For the better part of the last ten years, the word "terrorism," in some shape or form, has become an integral part of the world's vocabulary. Whether in regard to military operations, air or sea transportation, law enforcement, cyber communications, or even the environment, responses to perceived or actual threats almost always include some form of counterterrorist activity. With each response, various legal rights, and regimes that society and individuals rely upon and often take for granted, are time and again directly impacted. Whether such impacts are experienced as good or bad depends in great part on one's ability to understand clearly the issues, which is where *Legal Issues in the Struggle against Terror* comes in.

This book of essays is essential reading for anyone looking to understand the many significant and complex issues regarding responses to terrorism since 9/11. The essays, written by legal experts and scholars, put into context, using words that are easy to read and understand, some of the most hotly contested international and domestic legal issues. The editors state in the preface that this work is an important collection of essays that cover topics considered integral to the "struggle against al Qaeda and its terrorist allies."

However, the topics the editors chose to cover in this book also include detailed insight and analysis that transcends the struggle with al-Qa'ida and undoubtedly will be debated and revisited in many venues for years to come.

While it is impractical to review in detail each individual author and chapter, a brief synopsis of the discussions presented is essential for assessing this book's value within the scope of current events. Detailed yet readable analyses of the issues and challenges involving detainees and military commissions, U.S. constitutional issues, national security concerns, intelligence efforts, the law of war, and civil-military relations provide a broad overview of the legal concerns and challenges the government faces when confronting terrorists. A chapter discussing civil liberties provides an integral counterbalance and reminds readers of the human impacts that efforts to counter terrorism often create.

Collectively, these essays represent a well reasoned and researched look into the role of executive power and the challenges that confronting terrorism on a global scale presents to those tasked with applying (or even developing) domestic and international law. To their credit, the editors clearly note that many of the issues addressed by the authors are "so new or so unsettled that no one can draw bright legal lines with great confidence." If the book does not offer any bright legal lines, it does help focus readers on where those bright lines might better fit within the various issues discussed.

This book's worth is reflected in the quality of authors whom Moore and Turner selected. Arguably, their diverse and notable backgrounds make this book a uniquely authoritative

compilation. From a law-school dean to several law professors, as well as current and former senior CIA, military, and homeland-security legal professionals, the authors are recognized and tested experts within their areas of expertise. Undoubtedly, John Norton Moore and Robert F. Turner's own extensive backgrounds and reputations in international law have enabled them to bring together individuals who clearly were up to the challenge. The reader is much better off for the results.

Overall, *Legal Issues in the Struggle against Terror* is an important work that should be considered an integral resource for anyone interested in the legal, ethical, and moral issues that efforts to counter terrorism raise in the twenty-first century.

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Coram, Robert. *Brute: The Life of Victor Krulak, U.S. Marine*. New York: Little, Brown, 2010. 374pp. \$27.99

Victor "Brute" Krulak is a legend within the U.S. Marine Corps. That may be a cliché, but it is true. This reviewer personally witnessed this phenomenon at the Naval War College, in Newport, Rhode Island, nearly four decades after Krulak left the service. While delivering a lecture at the College, I flashed a picture of Krulak on the screen. Instantly, audience members began to call out Krulak's nickname—"Brute! Brute!" The fact that Krulak's son became Commandant of the Corps only enhanced his reputation. The funny thing about Krulak's being so admired is that he never held a major combat command